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10/727,162

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Simon Robert Walmsley

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EXAMINER

UHLLENHAKE, JASON S

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/727,162	Applicant(s) WALMSLEY ET AL.	
	Examiner JASON S. UHLENHAK	Art Unit 2853	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 and 16-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 16-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claim 1 is rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 7,377,608. Although the conflicting claims are not identical, they are not patentably distinct from each other because it would be obvious to incorporate at least one row for printing each ink color of a plurality of ink.

Claim 1 rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 7,399,043. Although the conflicting claims are not identical, they are not patentably distinct from each other because it would be obvious to incorporate at least one row for printing each ink color of a plurality of ink.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Madeley (U.S. Pat. 6,637,860) in view of Tschida (U.S. Pub. 2003/0214554)

Madeley discloses

- ***regarding claim 1***, a print head comprising adjacently disposed print head modules each having a plurality of rows for ringing nozzles and a different printing width (different nozzle count) (Column 7, Lines 32-43; Column 9, Lines 42-57; Column 13, Lines 2-14)
- ***regarding claim 11***, print head module configured to print a plurality of independent inks, each row is configured to print in one of the inks, and configured to supply each of the inks to at least one row (Column 6, Lines 48-54; Column 7, Lines 32-43)
- ***regarding claim 12***, wherein the printhead is a page width printhead (Column 13, Lines 2-14)

Madeley does not disclose expressly:

- ***regarding claim 1***, a printer controller for supplying dot data to a print head in a predetermined order, the print head comprising adjacently disposed print

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head modules, the printer controller being configured to order and time the supply of the dot data to the print head modules such the difference in any relative skew between adjacent rows of printing nozzles at the transition between the print head modules are at least partially compensated for

Tschida discloses:

- ***regarding claim 1***, a printer controller for supplying dot data to a print head in a predetermined order, the print head comprising adjacently disposed print head modules, the printer controller being configured to order and time the supply of the dot data to the print head modules such the difference in the printing widths of the print head modules and any relative skew between adjacent rows of printing nozzles at the transition between the print head modules are at least partially compensated for (Paragraph 0028; 0146). Tschida discloses that any accumulation of error can be compensated by driver software, which includes different printing widths and skew between nozzle rows, therefore a controller supplies data in a predetermined order to compensate for errors, for the purpose of providing high-quality and high-resolution color images

At the time the invention was made it would have been obvious to a person of ordinary skill in the art to incorporate the teaching of Tschida into the device of Madeley, for the purpose of providing a low-cost printing apparatus and employing a stationary print head array that rapidly provides high quality, high resolution color images

Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Madeley (U.S. Pat. 6,637,860) as modified by Tschida (U.S. Pub. 2003/0214554) as applied to claim 1 above, and further in view of Askren (U.S. Pat. 6,350,004).

Madeley as modified by Tschida discloses all of the claimed limitations except for the following:

- ***regarding claim 4***, wherein the printer controller is configured to compensate for the skew by introducing a relative delay into the dot data
- ***regarding claim 5***, wherein the printhead is configured to print the dots at a predetermined spacing across its width, and wherein the delay introduced by the printer controller equated to an integral multiple of the spacing

Askren discloses:

- ***regarding claim 4***, wherein the printer controller is configured to compensate for the skew by introducing a relative delay into the dot data (Column 2, Lines 50 - 57), for the purpose of improving the quality of printing.
- ***regarding claim 5***, wherein the printhead is configured to print the dots at a predetermined spacing across its width, and wherein the delay introduced by the printer controller equated to an integral multiple of the spacing (Column 2, Lines 44 – 60), for the purpose of improving the quality of printing.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to incorporate the teaching of Askren into the device of Madeley as modified by Tschida, for the purpose of improving the quality of printing and increasing the printing speed.

Claims 2, 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Madeley (U.S. Pat. 6,637,860) as modified by Tschida (U.S. Pub. 2003/0214554) as applied to claim 1 above, and further in view of Dings et al (U.S. Pub. 2003/0218645)

Madeley as modified by Tschida discloses all of the claimed limitations except for the following:

- ***regarding claim 2***, the printer controller is configured to at least partially compensate for the relative skew between adjacent rows.
- ***regarding claim 16***, configured to compensate at least partially for a plurality of potential relative skews.

Dings et al discloses the following:

- ***regarding claims 2, 16***, a printer controller that is configured to compensate at least partially for plurality of relative skews (Paragraph 0013), for the purpose of accurately delivering liquid and improving the quality of printing.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to incorporate the teaching of Madeley as modified by Tschida, for the purpose of accurately delivering liquid and improving the quality of printing.

Claims 3, 7, are rejected under 35 U.S.C. 103(a) as being unpatentable over Madeley (U.S. Pat. 6,637,860) as modified by Tschida (U.S. Pub. 2003/0214554) as applied to claim 1 above, and further in view of Hackleman et al (U.S. Pat. 5,719,602).

Madeley as modified by Tschida discloses all of the claimed limitations except for the following:

- **regarding claim 3**, wherein the relative skew between each of the plurality of the sets of the adjacent rows is the same
- **regarding claim 7**, wherein at least one print head module includes adjacent rows, configured to print the same ink and the dot data is shifted serially through the first of the rows then through the second of the rows

Hackleman et al discloses:

- **regarding claim 3**, wherein the relative skew between each of the plurality of the sets of the adjacent rows is the same (Column 4, lines 17 – 31). The purpose would have been to provide a system for compensating for skew of a print head nozzle and improving the quality of printing.
- **regarding claim 7**, wherein at least one print head module includes adjacent rows, configured to print the same ink and the dot data is shifted serially through the first of the rows then through the second of the rows (Column 5, lines 59-67). The purpose would have been to provide a system for compensating for skew of a print head nozzle and improving the quality of printing.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to incorporate the teaching of Hackleman et al into the device of Madeley as modified by Tschida, for the purpose of providing a system for compensating for a skew of a print head nozzle and improving the quality of printing.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Madeley (U.S. Pat. 6,637,860) as modified by Tschida (U.S. Pub. 2003/0214554) and

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Hackleman et al (U.S. Pat. 5,719,602) and further in view of Kamoshida et al (U.S. Pub. 2002/0075339).

Madeley as modified by Tschida and Hackleman et al discloses all of the claimed limitations except for the following:

- ***regarding claim 8***, data is shifted serially through the first rows in a first direction then looped back through the second of the rows in a second direction opposite the first.

Kamoshida et al discloses the following:

- ***regarding claim 8***, data is shifted serially (Paragraphs 0026, 0086) in a first direction then looped back through in a second direction opposite of the first (Paragraphs 0005, 0011). The feeding of the paper in the opposite direction for data to be scanned as taught by Kamoshida et al is the same concept as looping back through a second pair of nozzle rows in a opposite direction until all data has been supplied.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to incorporate the teaching of Kamoshida et al into the device of Madeley as modified by Tschida and Hackleman et al, for the purpose of improving the efficiency of the printing mechanism and thus improving the quality of printing.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Madeley (U.S. Pat. 6,637,860) as modified by Tschida (U.S. Pub. 2003/0214554) and Hackleman et al (U.S. Pat. 5,719,602) and further in view of Walmsley (U.S. Pat 6,805,419).

Madeley as modified by Tschida and Hackleman et al discloses all of the claimed limitations except for the following:

- ***regarding claim 9***, wherein the first and second rows are configured to print odd and even dots respectively to supply the one or more first rows with odd dot data and the one or more second rows with even dot data.

Walmsley discloses the following:

- ***regarding claim 9***, rows configured to print odd and even dots respectively to supply the one or more first rows with odd dot data and the one or more second rows with even dot data (Column 14, lines 52-61).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to incorporate the teaching of Walmsley into the device of Madeley as modified by Tschida and Hackleman et al, for the purpose of improving the quality of printing

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Madeley (U.S. Pat. 6,637,860) as modified by Tschida (U.S. Pub. 2003/0214554) and Hackleman et al (U.S. Pat. 5,719,602) and further in view of Dings et al (U.S. Pub. 2003/0218645)

Madeley as modified by Tschida and Hackleman et al discloses all of the claimed limitations except for the following:

- ***regarding claim 10***, relative skew between the first and second rows of each pair of rows in a direction normal to printing at least be partially compensated for

Dings et al discloses the following:

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- **regarding claim 10**, relative skew between the first and second rows of each pair of rows in a direction normal to printing at least be partially compensated for (Paragraph 0013).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to incorporate the teaching of Dings et al into the device of Madeley as modified by Tschida and Hackleman et al, for the purpose of accurately delivering liquid and improving the quality of printing.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Madeley (U.S. Pat. 6,637,860) as modified by Tschida (U.S. Pub. 2003/0214554) as applied to claim 1 above, and further in view of King et al (U.S. Pat. 6,604,808).

Madeley as modified by Tschida discloses all of the claimed limitations except for the following:

- **regarding claim 17**, configured to compensate at least partly for a fixed amount of the skew.

King et al discloses the following:

- **regarding claim 17**, to compensate at least partly for a fixed amount of the skew (Column 5, lines 11-19).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to incorporate the teaching of King into the device of Madeley as modified by Tschida, for the purpose of correcting known skew errors improving the quality of the printing.

Claims 6 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Madeley (U.S. Pat. 6,637,860) as modified by Tschida (U.S. Pub. 2003/0214554) and Askren (U.S. Pat. 6,350,004) as applied to claim 1 above, and further in view of Morita et al (U.S. Pat. 5,774,145).

Madeley as modified by Tschida and Askren discloses all of the claimed limitations except for the following:

- ***regarding claim 6***, wherein nozzles of at least one of the rows of one printhead modules are positioned outside the printable region due to skew between adjacent rows of the nozzles, and nozzles outside the printable region do not print
- ***regarding claim 18***, wherein nozzles of the printhead are disposed in a printable region of the printhead, and at least one logical nozzle located outside the printable zone that can accept data but is not capable of printing.

Morita et al discloses the following:

- ***regarding claims 6***, wherein nozzles of at least one of the rows of one printhead modules are positioned outside the printable region due to skew between adjacent rows of the nozzles (Column 3 lines 50-63). For the purpose of ensuring that no color mixture occurs and the operation is stable.
- ***regarding claim 18***, wherein nozzles of the printhead are disposed in a printable region of the printhead, and at least one logical nozzle that is located outside of the printable zone and can accept data but is not capable of printing (Column 2 Lines 25-67, Column 3). The introduction of a relative delay into the dot data supplied, such that dot data is supplied to the correct nozzles is seen as a purpose and not a function

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of the device. For the purpose of ensuring that no color mixture occurs and the operation is stable.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to incorporate the teaching of Morita into the device of Madeley as modified by Tschida and Askren, for the purpose of ensuring that no color mixture occurs and the operation is stable.

Response to Arguments

Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection. Please see the above rejection regarding Madeley (U.S. Pat. 6,637,860) in view of Tschida (U.S. Pub. 2003/0214554).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Uhlenhake whose telephone number is (571) 272-5916. The examiner can normally be reached on Monday - Friday 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Meier can be reached on (571) 272-2149. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/JASON S UHLENHAKE/
Examiner, Art Unit 2853
October 23, 2008

/Julian D. Huffman/
Primary Examiner, Art Unit 2853